

REMARKS

In the Office Action, claims 1-6, 7, 8, 14-23, and 31 were rejected. By the present Response, Applicants have amended claims 1-3 and added new claims 36-40. With respect to these new claims and amendments, Applicants respectfully assert that no new matter has been added. Upon entry of the amendments, claims 1-8, 14-23, 31, and 36-40 will be pending in the present patent application. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 102

In the Office Action, claims 1-6, 8, 14-23, and 31 were rejected under 35 U.S.C. § 102(b) as anticipated by the Clinton reference (U.S. Patent No. 2,666,479; hereinafter "Clinton").

Applicants, however, respectfully assert that the pending claims are not anticipated by Clinton, because the pending claims recite features not disclosed by this cited reference. A *prima facie* case of anticipation under Section 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. See *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. See *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Therefore, if a claim recites even one feature not found in the cited reference, the cited reference cannot be said to anticipate the claimed subject matter.

Furthermore, Applicants respectfully assert that, during patent examination, the pending claims must be give an interpretation that is reasonable and consistent with the specification. See *In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); Manual of Patent Examining

Procedure §§ 608.01 (o) and 2111. Indeed, “[c]laims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them ‘broadest reasonable interpretation’.” *In re Marosi*, 218 U.S.P.Q. 289 (Fed. Cir. 1983) (emphasis in original). Moreover, this interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2 d 1464, 1468 (Fed. Cir. 1999); *see also* Manual of Patent Examining Procedure § 2111.

With the foregoing in mind, Applicants respectfully demonstrate below that Clinton does not disclose all of the features recited in the pending claims of the present patent application.

Amended Independent Claim 1 and the Claims Depending Therefrom

For example, Clinton does not disclose “a valve assembly removable from and positionable in the torch butt in two mutually opposed positions, and operable to control a first flow of fluid through the torch butt,” as is recited in amended independent claim 1. By contrast, Clinton discloses a valve member 23 that is not removable and that resides in the valve block 22 in a single operating position. *See generally* Clinton, Fig. 2 (noting the location of valve member 23 in valve block 22).

In the Clinton device, the flow of cutting oxygen to the torch 10 and, as such, the torch head 11 is controlled by a cylindrical rod 23 that constitutes a “piston-like valve member.” *See id.* at col. 3, ll. 37-41. This cylindrical rod 23 is also identified by Clinton as “valve member 23.” *See id.* at col. 3, ll. 51-52. The Clinton valve member 23 resides within a central bore 24 of the valve block 22. In operation, the Clinton device prevents the flow of cutting oxygen to the torch head 11 by engaging a tapered forward end 26 of the valve member 23 with a corresponding conical seat 24’ of the central bore 24. *See id.* at col. 3, ll. 41-53. By actuating this valve member 23 in a direction generally parallel to the longitudinal axis of the torch 10, the valve member 23 is transitioned between seated

and unseated positions with respect to the valve block 22, thereby controlling the flow of cutting oxygen to the torch head 11.

Thus, Applicants respectfully assert that if one were to conclude that Clinton discloses a valve assembly, it must include this valve member 23. Although Clinton discloses that hand lever 21, bell-crank lever 32, connecting link 37, and spring 42 are removable, Applicants respectfully assert that these components, when viewed independently of the valve member 23, cannot reasonably be equated with the valve assembly recited in the amended claim 1. Indeed, Clinton identifies these linkage components as parts of a “valve-operating mechanism,” demonstrating the independence of these components from the valve member 23 and, as such, any possible valve assembly.

In the Clinton device, however, the valve member 23 is not removable. For example, when the valve-operating mechanism (i.e., hand lever 21, bell-crank lever 32, connecting link 37, and spring 42) is reconfigured between top and bottom configuration, nothing in Clinton suggests that the valve member 23 is removed. In fact, the configuration of the aperture 51 from which the valve-operating mechanism of Clinton is removed evidences that the valve member is non-removable, because of the difficulty in reseating the valve member 23 with respect to the valve block 24.

Furthermore, Applicants respectfully assert that the valve member 23 of Clinton is not positionable in two mutually opposed positions as recited in amended independent claim 1. In the Clinton device, valve member 23 is not repositioned when the valve-operating mechanism is transitioned between the top and bottom operating configurations illustrated in FIG. 1 of Clinton. In fact, Clinton touts that the valve-operating mechanism for the valve member 23 may be reversed between the top and bottom configurations only because the supporting pins for the valve-operating mechanism are “symmetrically located with respect to the valve member 23.” *See* Clinton, column 4, lines 55-60. Thus,

the valve member 23 that effectuates control of the flow of cutting oxygen through the Clinton device must remain in the same position, regardless of whether the cooperating operating mechanism is in a top or bottom configuration. In other words, this valve member 23 of Clinton is, at no point in time, positionable between two mutually opposed positions as is recited in the instant claim. Rather, the valve member 23 of Clinton remains in the same position and configuration.

Therefore, Applicants respectfully assert that Clinton does not anticipate independent claim 1 and its respective dependent claims 2-8. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 1-8.

Independent Claim 14 and the Claims Depending Therefrom

Additionally, Clinton does not disclose a valve assembly “selectively securable to the torch butt in a first orientation and a second orientation relative to the torch butt, the second orientation being inverted relative to the first orientation,” as recited in independent claim 14. By contrast, as discussed above, Clinton discloses a valve member 23 that remains in the same orientation at all times, independent of the assembled configuration of its cooperating operating mechanism. Again, this singular location of the valve member 23 demonstrates that Clinton does not disclose a valve assembly that is positionable in two orientations that are inverted with respect to one another. In fact, Clinton states that the reversibility of the valve-operating mechanism is only possible because of its symmetry about the valve member 23. *See Clinton*, col. 4, ll. 55-60. Moreover, Applicants respectfully assert that this valve-operating mechanism cannot reasonably be equated with the valve assembly recited in the instant claim.

Therefore, Applicants respectfully assert that Clinton does not anticipate independent claim 14 and its respective dependent claims 15-23. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 14-23.

Independent Claim 31

Clinton does not disclose “means for selectively securing a cutting oxygen valve assembly within a torch butt in a first and a second orientation relative to the torch, the second orientation being inverted relative to the first orientation,” as recited in claim 31. Rather, as discussed above, Clinton discloses a valve member 23 that remains in a single orientation irrespective of the configuration of its cooperating operating mechanism. Thus, Applicants respectfully assert that it can not be said that Clinton discloses a valve assembly that is securable within a torch butt between first and second orientations that are inverted with respect to one another, as is recited in claim 31. Indeed, as discussed above, it is only because of the single location of the valve member 23 that the valve-operating mechanism may be placed between top and bottom configurations. Moreover, Applicants again respectfully assert that the valve operating mechanism of Clinton, when viewed wholly independent of valve member 23, cannot be equated with a valve assembly as recited in the instant claim.

Therefore, Applicants respectfully assert that Clinton does not anticipate independent claim 31. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claim 31.

New Claim 36 and the Claims Depending Therefrom

Respectfully, Applicants assert that Clinton does not disclose “a valve assembly disposed in the valve body and including a valve operable to control a flow of the first fluid through the valve body, wherein the valve assembly is removable from and operably positionable in the valve body in two mutually opposed positions,” as recited in independent claim 36. Rather, as is discussed above, Clinton discloses a device in which the valve member 23 remains in a single position and orientation, irrespective of the configuration of its cooperating operating mechanism. Again, the single location of the valve member 23 of Clinton is what facilitates the placement of the valve-operating mechanisms between the top and bottom configurations. Moreover, as is discussed

above, the operating mechanism for a valve member 23 cannot be equated with a valve assembly as recited in the instant claim.

Therefore, Applicants respectfully assert that Clinton does not disclose all of the features recited in independent claim 36 and its respective dependent claims 37-40. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 36-40.

Rejections under 35 U.S.C. § 103

In the Office Action, claim 7 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Clinton and the Dimock et al. reference (U.S. Patent No. 5,571,427; hereinafter "Dimock"). Applicants, however, respectfully assert that dependent claim 7 is patentable at least by virtue of its dependence on allowable base claim 1. Keeping in mind the foregoing arguments regarding Clinton, Applicants respectfully assert that Dimock does not obviate these above-discussed efficiencies. Accordingly, Applicants respectfully assert that dependent claim 7 is patentable not only by virtue of its dependence to independent claim 1, but also by virtue of the additionally features recited therein. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of dependent claim 7.

Conclusion

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Date: April 5, 2005

Manish Vyas
Reg. No. 54,516
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545